UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/523,508	02/04/2005	Naoya Yamaguchi	890050.522USPC	1311

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SEED INTELLECTUAL PROPERTY LAW GROUP PLLC
701 FIFTH AVE
SUITE 5400
SEATTLE, WA 98104

EXAMINER
BUI, BRYAN P

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>04 February 2005</u>.

2a)☐ This action is **FINAL**.　　2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-17* is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-17* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>04 February 2005</u> is/are: a)☐ accepted or b)☒ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☒ All　b)☐ Some *　c)☐ None of:

　　　1.☐ Certified copies of the priority documents have been received.

　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3.☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>10/27/2005</u>.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   Applicant has submitted a preliminary amendment to Application No.

10/523508 on February 04, 2005 claiming priority from PCT Application

PCT/JP03/09766 filed on July 31, 2003 claiming priority from Foreign Application

(JAPAN) 2002-228201 filed on August 06, 2002. This following office action is

based on the preliminary amendment filed on February 04, 2005 having claims 1-

17 and Figures 1-11.

Priority

2.   Acknowledgment is made of applicant's claim for foreign priority under 35

U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No.

PCT/JP03/09766 filed on July 31, 2003. The priority date considered for the

application is August 06, 2002, which is the filing date of Foreign Application

mentioned above.

Status of Claims

Claims 1-17 are pending and have been examined.

Claims 1-17 are rejected for the reasons discussed in detail below.

Information Disclosure Statement

3.   The information disclosure statement filed on February 04, 2005 fails to

comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited

foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

The non patent literature (NPL) document (Izumi, T., "Template o Tsukatte Homepage o Sakusei Suru," Tetori Ashitori Homepage Builder, 2001, February 29,2000, First edition, AI Shuppan Kabushiki Kaisha, pp. 16-26) has not been considered because applicant failed to provide the English translation of the copy of NPL.

Specification

4.   The disclosure is objected to because it contains a plurality of embedded hyperlinks and/or other form of browser-executable code (see Specification page 14, lines 7,10, 20; page 15, lines 2, 21; page16, lines 27,28). Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.

Claim Objections

5.   Claims 6, 7,8, 9,11,12, 13 and 17 are objected to because of the following informalities:

Regarding claim 6, it is unclear whether this claim is an independent or dependent claim. Examiner notes that applicant amended claim 6 by erasing the phrase "4 or 5". The recitation of "A web page uploading system in accordance with Claim..." makes the dependency of this claim undefined. Appropriate correction is required. Moreover, claim 6 is identical in wording to claim 7 depending on claim 5, which depends on claim 4. Thus, in the case claim 6 depends on claim 4 or 5, claim 6 and claim 7 are both directed to the same claimed feature of "the web server" as cited in claim 4 and claim 5, therefore claim 7 is objected to under 37 FR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim (claim 4 or 5). In another case in which claim 6 is an independent claim, then the recitation of "the web server" lacks of an antecedent basis. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

Regarding claim 8, the claim is generally narrative and indefinite, failing to conform with current U.S. practice. After applicant's amendment, it appears to have grammatical and idiomatic errors. Moreover, claim 8 is identical in wording to claim 9 depending on claim 3, which depends on claim 2. Thus, claims 8 and 9 are both directed to the same limitation of "the client computer" as cited in claim 2, therefore claim 9 is objected to under 37 FR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim (claim 2). Applicant is required to cancel the claim(s), or amend the claim(s) to

place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

Claim 11 (depending on claim 5) and claim 13 (depending on claim 7) are identical in wording to claim 10 (depending on claim 4). Actually, those claims (10,11, and 13) are directed to the same limitation of "the client computer" as cited in claim 4. Thus, claims 11 and 13 are objected as being in proper dependent form for failing to further limit the subject matter of a previous claim (claim 4). Appropriate correction is required.

Claim 12 is depending on claim 6, therefore objected as set forth above (see objection of claim 6). Moreover, claim 12 is identical in wording to claim 10, which depends on claim 4. Obviously, claim 10 and claim 12 are both directed to the same limitation of "the client computer" as cited in claim 4. Thus, claim 12 is also objected as being in proper dependent form for failing to further limit the subject matter of a previous claim (claim 4). Appropriate correction is required.

Regarding claim 17, the recitation of "A recording medium which can read using a computer a computer program..." contains language that makes the claim non-understandable, since a recording medium such as a flexible disk, a CD-ROM, a DVD-ROM or the like (as defined in page 9, lines 21 and page 10, line 28) can be used to store a computer program capable of being executed by a computer or a processor. Applicant is suggested to rewrite the claim to read as

"A computer-readable recording medium in which is recorded a computer

program..."

The arrangement of the claims 9, 7, 11, and 13 is objected to as being an

improper sequence of claims. Appropriate correction is required. Examiner notes

that a claim which depends from a dependent claim should not be separated by

any claim which does not also depend from said dependent claim. It should be

kept in mind that a dependent claim may refer to any preceding independent

claim. In general, applicant's sequence will not be changed. See MPEP

§ 608.01(n).

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or
> composition of matter, or any new and useful improvement thereof, may obtain a patent
> therefor, subject to the conditions and requirements of this title.

6.   Claims 14 and 15 are rejected under 35 U.S.C. 101 because the claimed

invention is directed to non-statutory subject matter.

Regarding claim 14 and 15, "A computer program" being claimed is merely

a set of "computer program code" or "software code" capable of being executed

by a computer or a processor without the computer-readable medium needed to

realize the computer program's functionality. Therefore, claim 14 and 15 are

treated as a non-statutory functional descriptive material.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1- 17 are rejected under 35 U.S.C. 102(b) as being anticipated by

US Patent Application Publication No. 2001/0011275 A1 issued to Lin et al.

(hereinafter "Lin").

Lin discloses:

As to claims 1, 2, 4,

a web page uploading system in which a client computer and a web

server are connected via a network and which is adapted for uploading a web

page from the client computer to the web server **[When the editing is finished,**

the user uploads the edited web page data to the server host] (see Lin,

paragraph [0011] on page 1); and

the client computer having area registration capability for registering an

area in the web server where the web page is stored as an upload area of the

web page while the web page in the web server is being browsed **[After registering the data on the selected host, the user can then start to perform web page editing]** (see Lin, paragraph [0037] on page 4); and

the client computer having area registration capability for registering an area in the web server where the web page is stored as an upload area of the web page when a software tool for web page editing is launched while the web page in the web server is being browsed and upload capability for uploading the web page edited by the software tool for web page editing to the upload area of the web **[The user can select the web pages he wants to retrieve from the catalog]** (see Lin, paragraph [0038]) and **[When the login data are successfully verified, the user can start to edit web pages]** (see Lin, paragraph [0026]) and **[when the web page editor of the management system finishes his editing job and requests to upload the edited web page data to the server host where the management system is located]** (see Lin, paragraph [0033]); and

the client computer being capable of launching a software tool for web page editing when a link means provided on the web page is selected while the web page in the web server is being browsed, having area registration capability for registering the area in a web server pointed to by the link means as an upload area of the web page and having upload capability for uploading the web page edited by the software tool for web page editing to the upload area of the web

page **[At the moment, the user can see in the user-end computer monitor a list of all web pages collected by the management system according to his privilege. Therefore, he can click the web pages he wants to edit in the list and send back the selection information. After the management system receives this web page selection message (step 605), it will form a list of the assigned web pages according to the user's request (step 606) and perform the web page content analysis and downloading according to the list (step607)]** (See Lin, paragraph [0031] on page 3 together with Figure 6).

As to claim 3,

wherein the client computer is capable of obtaining data regarding the web page being browsed and causing the software tool for web page editing to edit the web page **[The system then transmits web page data to the user–end computer according to his request and his privilege for the user to edit (step 503). When the editing of downloaded web pages is finished, the user uploads the edited web page data to the server host and the management system stores these web page data (step 504)]** (see Lin, paragraph [0028] on page 3 togetherb with Figure 5).

As to claim 5,

wherein the client computer is capable of obtaining data regarding the web page of the area pointed to by the link means and causing the software tool for web page editing to edit the web page **[The relation contents include the web**

pages and elements related by the links and hyperlinks in the edited web

pages and the locations and paths thereof. After all the related contents in

the edited web pages are found, the system will display the web pages

within the user's privilege in a list for the user to select(step 604)] (see Lin,

paragraph [0030] on page 3 together with Figure 6)

As to claims 6 and 7,

wherein the web server includes a list in which web page editorial

authorization is registered for individual users and the link means consist solely

of link means pointing to web pages for which the individual users have editorial

authority **[The user first enters the username and the corresponding**

password at the user-end computer (step401) and connects to the network

(step 402) for transmitting the username and password to the web page

management system at the server end. The web page management system

then verify the inputs according to the previously prepared privilege data,

performing the identity verification procedure (step 403)] (see Lin, paragraph

[0027] on page 2 together with Figure 4)

As to claims 8, 9, 10, 11, 12, 13,

wherein the client computer has storage capability for storing a web page

in the upload area after the start of editing by the software tool for web page

editing and prior to uploading **[For example, the editor can first create a new web page on the client computer 221 and save it to the website 210. Then he can download the previously edited web page data from the client computer 223 and save it back to the website 210]** (see Lin, paragraph [0025] on page 2 together with Figure 2).

As per claims 14 and 16, they are similar in scope to claim 2, therefore rejected under similar rationale (see the rejection of claim 2).

As per claims 15 and 17, they are similar in scope to claim 4, therefore rejected under similar rationale (see the rejection of claim 4).

Conclusion

10.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

      Herr-Hoyman et al. (US Pat No. 5,727,156)

      Pollack et al. (US Pat No. 6,493,733)

      Kim et al. (US PGPub No. 2004/0122912 A1)

      Brayton et al. (US PGPub No. 2004/0205564 A1)

      Dutta et al. (US PGPub No. 2003/0061283 A1)

      Tsai et al. (US PGPub No. 2002/0010671 A1)

11.   Any inquiry concerning this communication or earlier communications from

the examiner should be directed to Bryan Bui whose telephone number is (571)-

270-1981. The examiner can normally be reached on Monday-Friday from 7:30

am to 5:00 pm. If attempts to reach the examiner by telephone are unsuccessful,

the examiner's supervisor, Frantz Coby can be reached on (571)-272-4017. The

fax phone number for the organization where this application or proceeding is

assigned is (571)-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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assistance from USPTO Customer Service Representative or access to the

automated information system, call 1-(800)-786-9199 (in U.S.A or Canada) or 1-

(571)-272-1000.

Examiner   FRANTZ COBY
                                              SUPERVISORY PATENT EXAMINER

Bryan P. Bui